IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL No.693 of 2002

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 12-02-2002 in WA.No.2588 OF 2002 on the file of the High Court.)

Between:

Narravula Lakshmaiah,
S/o. Narasaiah Hindu, Cuitivation

R/o. Burripalem, Tenali, Guntur District.

..... APPELLANT

AND

1 The Deputy Commissioner
Endowments Department, Guntur.

2 The Assistant Commissioner
Endowments Department, Guntur.

3 Sri. R. Kodanda Ramacharyulu,
Executive Officer, Tenali Group Temples,
Guntur District.

.....RESPONDENT(S)

Counsel for the Appellant: MR.V.S.R. ANJANEYALU

Counsel for the Respondent Nos.1&2: GP FOR ENDOWMENTS

The Court made the following :

JUDGMENT:(Per Hon'ble Sri Justice B. Sudershan Reddy)

The appellant herein claiming himself to be the founder member of Sri Lakshmi Narasimha Swamy Temple, Burripalem Village, Tenali Mandal of Guntur District, filed the writ petition challenging the order of the Assistant Commissioner of Endowments Department, Guntur, dated 09-10-2001, whereunder the 3rd respondent/Executive Officer of Tenali Group of Temples, has been appointed as Single Trustee of Sri Lakshmi Narasimha Swamy Temple of Burripalem Village, Tenali Mandal, Guntur District (for short "the Temple").

The case of the appellant is that the Assistant Commissioner failed to take note of the fact that he is the founder trustee of the Temple in question and further without noticing that N. Subbarao who died on 19-09-2001 was not the founder trustee, had chosen to appoint the 3rd respondent herein, mechanically, as a Single Trustee of the Temple.

Learned single Judge without entering into the actual controversy as to whether the appellant herein is liable to be appointed as the Trustee in the place of deceased

N. Subbarao, dismissed the writ petition filed by the appellant herein on the ground that he has approached the Court without exhausting the alternative remedy available to him under the provisions of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987.

The view taken by the learned single Judge, in our considered opinion, does not suffer from any legal infirmities. No reasons are forthcoming as to why the appellant herein could not have challenged the said order passed by the Assistant Commissioner appointing the 3rd respondent herein as Single Trustee of the Temple before the competent authority.

We find no error to have been committed by the learned single Judge in dismissing the writ petition.

However, the order passed by the learned single Judge which is being confirmed by us, now, in this writ appeal, shall not come in the way of the appellant herein availing such remedies as may be available to him in law asserting his claim to be appointed as the founder Trustee of the Temple. He is entitled to make an appropriate application to the competent authority and invite the adjudication. He is also entitled to challenge the order of the Assistant Commissioner, if he is so advised.

For the aforesaid reasons, we find no merit in this appeal and the same shall accordingly stand dismissed. No order as to costs.

..... Deputy Registrar

// True Copy //

Section Officer

To

1 The Deputy Commissioner
Endowments Department, Guntur.

2 The Assistant Commissioner
Endowments Department, Guntur.

3 Sri. R. Kodanda Ramacharyulu,
Executive Officer, Tenali Group Temples,
Guntur District.

4 Two C.Cs. to G.P. for Endowments, High Court of A.P.,

Hyderabad(O.U.T.).

5. Two C.Ds.